

Message Text

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 8337

USMISSION USBERLIN

USMISSION EC BRUSSELS

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 03405

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, GW, US, UK, FR, EC

SUBJECT: EC VOCATIONAL CENTER IN BERLIN

REFS: (A) STATE 15374, (B) USBERLIN 119

1. AT BONN GROUP MEETING FEBRUARY 26, FRENCH REPRESENTATIVE (BOISSIEU) STATED ON BASIS OF EC COMMISSION REGULATION LANGUAGE AND HIS AND FRENCH MISSION'S CONSULTATIONS WITH EC COMMISSION STAFF THAT EC REGULATION DIFFERED FROM OTHERS DIRECTLY APPLIED TO MEMBER STATES AS IT MAKES PROVISION FOR CERTAIN PRIVILEGES AND IMMUNITIES FOR EC VOCATIONAL CENTER IN BERLIN. HE POINTED OUT IT WOULD BE DIFFICULT FOR ALLIES TO ACCEPT THAT AN EC REGULATION PROVIDING PRIVILEGES AND IMMUNITIES FOR EC VOCATIONAL CENTER COULD APPLY DIRECTLY IN BERLIN. MOREOVER, AS EC CONSTITUTIVE TREATIES DO NOT EXPRESSLY MAKE PROVISION FOR CREATION BY EC OF SEPARATE LEGAL ENTITIES

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SUCH AS VOCATIONAL CENTER, IT WOULD BE UNCONVINCING TO

CLAIM THAT REGULATION ESTABLISHING CENTER IS IN IMPLEMENTATION OF EC TREATY ALREADY EXTENDED TO WSB.

2. FRENCH REP THEREFORE EXPRESSED VIEW, WHICH HE SAID WAS SHARED BY HIS MISSION IN BRUSSELS AND BY MEMBERS OF EC SECRETARIAT, THAT AN AGREEMENT BETWEEN THE EC AND THE FRG WOULD BE REQUIRED CONCERNING DETAILS OF ESTABLISHMENT OF CENTER IN BERLIN, INCLUDING ITS PRIVILEGES AND IMMUNITIES, WITHIN THE PARAMETERS SET BY THE EC REGULATION.

3. US REP REFERRED TO EARLIER STATEMENT OF US POSITION FAVORING ISSUANCE BY AK OF BK/L OR OTHER DOCUMENT GIVING FORMAL APPROVAL TO ESTABLISH CENTER IN BERLIN. BOISSIEU READILY AGREED AND UK REPS, SOMEWHAT RELUCTANTLY AT FIRST, ALSO SEEMED TO AGREE THAT AT LEAST IN VIEW OF PROVISION BY EC REGULATION FOR CENTER'S PRIVILEGES AND IMMUNITIES, SOME APPROPRIATE FORM OF ALLIED ACTION SEEMED NECESSARY. FRG REPS RESERVED

POSITION ON THIS QUESTION.

4. ALL ALLIED REPS AGREED THAT APPROPRIATE FORUM FOR DISCUSSING APPROPRIATE ALLIED ACTION AND WORDING THEREOF WOULD BE BERLIN MISSIONS. MISSION MAY WISH TO DETERMINE WHETHER ANY STEP IS REQUIRED TO PREVENT EC REGULATION FROM COMING INTO FORCE DIRECTLY FOR WSB WHILE THIS MATTER INCLUDING POSSIBLE EC-FRG AGREEMENT, IS DISCUSSED AND UNTIL AGREED PROCEDURE IS IMPLEMENTED.

5. FOR USEC: IT WOULD BE APPRECIATED IF USEC COULD CABLE ASAP ENGLISH TRANSLATION ISSUED BY EC CONCERNING ESTABLISHMENT OF EC CENTER IN BERLIN AND PROVIDING FOR ITS PRIVILEGES AND IMMUNITIES.

6. COMMENT: SINCE ONE PURPOSE OF THE BK/L STATING THAT ALLIES HAVE NO OBJECTION TO ESTABLISHMENT OF CENTER IN WSB WOULD BE TO SHOW THAT, WHILE EC MADE DECISION ON CENTER IN EC CONTEXT, ALLIES MADE THE

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DECISION IN THE BERLIN CONTEXT, USBER MAY WISH TO CONSIDER WHETHER BK/L WHICH WOULD BE PRIVILEGED DOCUMENT, WOULD BE BEST SUITED TO ALLIED PURPOSES.
HILLENBRAND

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